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OFFICE OF PETITIONS

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

In re Application of :
Tenerz, et al. : LETTER REGARDING PTA
Application No. 10/798,784 :
Filed: March 12, 2004 :
Atty. Dkt. No.: 030481-0216 :

This letter is in response to the "LETTER (UNDER A GENERAL OBLIGATION OF CANDOR AND GOOD FAITH IN PRACTICE BEFORE THE OFFICE)," filed May 30, 2007. The Office thanks applicants for their good faith and candor in bringing this to our attention.

The Determination of Patent Term Adjustment mailed March 27, 2007 indicated that the above-identified application was entitled to a patent term adjustment ("PTA") of 182 days. Applicants indicate that the correct adjustment is 157 days, the Office having failed to reduce the period of adjustment 25 days in connection with the request for continued examination filed September 12, 2006,

The correct Patent Term Adjustment ("PTA") at the time of the allowance is 157 days, as indicated by applicants.

As undisputed by applicants, the application is entitled to an adjustment of 182 days in accordance with 37 CFR 1.702(a)(1) and 1.703(a)(1) in connection with the non-final Office action mailed November 10, 2005.

The adjustment totalling 182 days is properly reduced 25 days, as indicated by applicants, under 37 CFR 1.704(b) in connection with the request for continued examination filed September 12, 2006 in response to the final Office action mailed May 18, 2006.

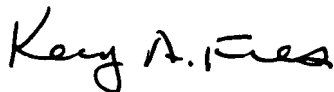
Accordingly, at the time of allowance, the application is entitled to an adjustment 157 days (adjustment of 182 days less applicants' delay of 25 days).

As applicants are advising us of a potential error in providing too much patent term adjustment in this application, no fee is due in connection with this matter.

The patent term adjustment indicated in the patent will include any additional patent term accrued pursuant to §§ 1.702(a)(4) and 1.702(b).

This application is being forward to the Office of Patent Publication for issuance of the patent.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.



Kery Fries
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Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: Copy of Adjustment PAIR Calculation